

1 [Pier 48 Lease - China Basin Ballpark Company, LLC - Mission Rock Project]

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3 **Resolution approving a Lease between the Port and China Basin Ballpark Company,**  
4 **LLC, for Pier 48; and adopting findings under the California Environmental Quality Act.**

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6 WHEREAS, California Statutes of 1968, Chapter 1333 (“Burton Act”) and Charter  
7 Sections 4.114 and B3.581 empower the City and County of San Francisco, acting through  
8 the San Francisco Port Commission (“Port”), with the power and duty to use, conduct,  
9 operate, maintain, manage, regulate and control the lands within Port Commission jurisdiction;  
10 and

11 WHEREAS, The Port owns approximately 28 acres of real property along San  
12 Francisco’s Central Waterfront comprised of (1) Seawall Lot 337, bounded by Third Street on  
13 the west, Parcel P20 and Mission Rock Street on the south, Pier 48 to the east, and China  
14 Basin Park on the north; (2) Pier 48; (3) China Basin Park; (4) the marginal wharf between  
15 Pier 48 and Pier 50; and (5) Parcel P20 (collectively, the “Site”); and

16 WHEREAS, From 2007-2010, the Port conducted a community process that evaluated  
17 the unique site conditions and opportunities at the Site and built a public consensus for its  
18 future that nested within the policies established for the South Beach/China Basin Waterfront  
19 in the Port’s Waterfront Land Use Plan; and

20 WHEREAS, In May 2010, by Resolution No. 10-32, the Port Commission awarded to  
21 Seawall Lot 337 Associates, LLC, a Delaware limited liability company (“Developer”), through  
22 a competitive process, the opportunity to negotiate exclusively for the mixed-use development  
23 of Seawall Lot 337 and Pier 48, and the Port Commission later added China Basin Park, the  
24 marginal wharf between Pier 48 and Pier 50, and Parcel P20 to the development (collectively,  
25 the “Project”); and

1           WHEREAS, Developer is a wholly-owned subsidiary of Giants Development Services,  
2 LLC, which in turn is a wholly-owned subsidiary of San Francisco Baseball Associates, LLC,  
3 the Major League Baseball franchise holder of the San Francisco Giants; and

4           WHEREAS, On March 8, 2013, by Resolution No. 13-10, the Port Commission  
5 endorsed the Term Sheet for the Project; and

6           WHEREAS, In May 2013, by Resolution No. 142-13, the Board of Supervisors found  
7 the Project fiscally feasible under Administrative Code, Chapter 29 and endorsed the Term  
8 Sheet for the Project, which is now known as “Mission Rock”; and

9           WHEREAS, Port and City staff and Developer have negotiated the terms of the  
10 Disposition and Development Agreement (“DDA”), a copy of which is in Board File No.  
11 \_\_\_\_\_ and incorporated in this resolution by reference, and related transaction  
12 documents that are incorporated into the DDA and provide the overall road map for  
13 development of the Project, including a Financing Plan, an Infrastructure Plan, a Housing  
14 Plan, a Transportation Plan and a Transportation Demand Management Plan, a Workforce  
15 Development Plan, an LBE Utilization Program, and forms of an interim Master Lease, a  
16 Vertical Disposition and Development Agreement and a Parcel Lease; and

17           WHEREAS, The DDA contemplates the proposed rehabilitation and reuse of Pier 48, a  
18 significant contributing resource to the Port of San Francisco Embarcadero Historic District,  
19 but Developer has not yet identified a long term use for Pier 48 that would result in  
20 rehabilitating the facility; and

21           WHEREAS, Port and Developer have agreed to cooperate on identifying a potential  
22 long term use of Pier 48; and

23           WHEREAS, China Basin Ballpark Company, LLC (“CBBC”), an affiliate of Developer,  
24 currently has a license from the Port to use portions of Pier 48 for parking and special events;  
25 and

1           WHEREAS, Port and CBBC have agreed to terms for an interim lease to allow the  
2 current uses in Pier 48, including parking and special events, to continue pursuant to Lease  
3 No. L-\_\_\_\_\_ (the "Lease"); and

4           WHEREAS, The Port Commission approved the Lease on January 30, 2018 under  
5 Port Commission Resolution No. 18-\_\_\_\_, and copies of the Lease and Port Commission  
6 Resolution No. \_\_\_\_ are in Board File No. \_\_\_\_\_, and are incorporated in this resolution  
7 by reference; and

8           WHEREAS, Under the Lease, the Port will lease approximately 212,000 square feet of  
9 Pier 48 to CBBC for a term of ten (10) years; and

10          WHEREAS, San Francisco Charter Section 9.118 requires Board of Supervisors  
11 approval of a real property lease with a term of ten (10) or more years, or having anticipated  
12 revenue to the City of One Million Dollars (\$1,000,000.00) or more when the lease is  
13 executed; and

14          WHEREAS, The actions contemplated in this resolution are within the scope of the  
15 project for which the Board adopted the resolution in Board File No. \_\_\_\_\_,  
16 affirming the Planning Commission's certification of the Final Environmental Impact Report for  
17 the Seawall Lot 337 and Pier 48 Mixed-Use Project ("FEIR") and making findings in  
18 accordance with the California Environmental Quality Act (California Public Resources Code  
19 section 21000 et seq.) and Administrative Code Chapter 31, which resolution is incorporated  
20 herein by reference; now, therefore, be it

21          RESOLVED, That the Board of Supervisors approves the Lease; and be it

22          FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
23 Director of the Port or her designee to execute the Lease as approved by the City Attorney  
24 and in substantially the form on file with the Clerk of the Board of the Supervisors in File  
25 No. \_\_\_\_\_; and be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
2 Director to enter into any additions, amendments or other modifications to the Lease  
3 (including, without limitation, preparation and attachment of, or changes to, any or all of the  
4 exhibits and ancillary agreements) that the Executive Director, in consultation with the City  
5 Attorney, determines when taken as a whole, are in the best interests of the Port, do not  
6 materially increase the obligations or liabilities of the Port or City or materially decrease the  
7 public benefits accruing to the Port, and are necessary or advisable to complete the  
8 transactions contemplated and effectuate the purpose and intent of this Resolution, such  
9 determination to be conclusively evidenced by the execution and delivery by the Executive  
10 Director of any such documents; and be it

11           FURTHER RESOLVED, That within thirty (30) days of the Lease being fully executed  
12 by all parties, the Port shall provide copies of the Lease to the Clerk of the Board for inclusion  
13 into the official file.

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